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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,278	12/22/2004	Marcel Wong	9342-11	8905
54414	7590	11/28/2007	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627			MILLER, BRANDON J	
		ART UNIT	PAPER NUMBER	
		2617		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/519,278	WONG ET AL.	
	Examiner	Art Unit	
	Brandon J. Miller	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 September 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,4-12 and 15-24 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,4-12 and 15-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 December 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Response to Amendment

Claims 1, 4-12, and 15-24 are pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4-5, 8-9, 11-12, 15-16, 19-20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz et al. (US 6,044,275) in view of Littleton et al. (US 2003/0023759 A1).

Regarding claim 1 Boltz teaches a method for automatically sending electronic messages from a portable communication device to a selected recipient (see col. 3, lines 24-28). Boltz teaches retrieving date information from an electronic date determination unit (see col. 5, lines 1-4). Boltz teaches retrieving first recipient related information from a memory, the first recipient related information being date information associated with the recipient (see col. 4, lines 63-67 and col. 5, lines 2-3). Boltz teaches automatically sending a pre-configured electronic message over a network to the recipient based on the date information and the first recipient related information (see col. 4, lines 63-67 and col. 5, lines 1-8). Boltz does not specifically teach an electronic contact register and first recipient related information being personal date information. Littleton teaches retrieving contact information from an electronic contact register (see

paragraph [0020]). Littleton teaches contact information from an electronic contact register including personal date information (see paragraph [0021]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include an electronic contact register and first recipient related information being personal date information because it is well known in the art for mobile devices such as the one in Boltz to provide an address book or contact register for storing information and indeed Boltz does disclose that the date information is entered and stored on the mobile station (col. 3, lines 64-67).

Regarding claim 4 Boltz and Littleton teach a device as recited in claim 1 except for retrieving second recipient related information from the electronic contact register; and automatically sending the pre-configured electronic message over the network to the recipient based on the second recipient information. Boltz does teach retrieving recipient related information from a memory (see col. 4, lines 63-67 and col. 5, lines 2-3). Boltz does teach automatically sending a pre-configured electronic message over a network to the recipient based on recipient related information (see col. 4, lines 63-67 and col. 5, lines 1-8). Littleton does teach retrieving contact information from an electronic contact register (see paragraph [0020]). Littleton does teach contact information from an electronic contact register including personal date information (see paragraph [0021]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include retrieving second recipient related information from the electronic contact register; and automatically sending the pre-configured electronic message over the network to the recipient based on the second recipient information because it is well known in the art for mobile devices such as the one in

Boltz to provide an address book or contact register for storing information and Boltz does disclose that the date information is entered and stored on the mobile station (col. 3, lines 64-67).

Regarding claim 5 Boltz and Littleton teach a device as recited in claim 4 except for wherein the second recipient related information is a message flag. Boltz does teach recipient related information including a message (see col. 4, lines 63-67 and col. 5, lines 2-3). Littleton does teach a message flag (see paragraph [0029]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include wherein the second recipient related information is a message flag because it would allow for more control over delivery of messages sent from one device to another (see Boltz, col. 3, lines 18-21).

Regarding claim 8 Boltz teaches sending the message directly to a terminal of the recipient (see col. 5, lines 1-8).

Regarding claim 9 Boltz teaches wherein the message is sent to a remote server, which pushes it to a terminal of the recipient (see col. 4, lines 25-32, SMS service center that stores message relates to remote server).

Regarding claim 11 Littleton teaches wherein the contact register is a register containing previously stored information about contacts and how these can be reached (see paragraph [0022]).

Regarding claim 12 Boltz teaches a method for automatically sending electronic messages from a portable communication device to a selected recipient (see col. 3, lines 24-28). Boltz teaches an electronic date determination unit (see col. 5, lines 1-4). Boltz teaches a message transfer unit (see col. 5, lines 5-8). Boltz teaches a pre-configured

message store (see col. 4, lines 64-67). Boltz teaches retrieving date information from the electronic data determination unit (see col. 5, lines 1-4). Boltz teaches first recipient related information being date information associated with the recipient (see col. 4, lines 63-67 and col. 5, lines 2-3). Boltz teaches automatically sending a pre-configured electronic message to the recipient based on the data information and the first recipient related information (see col. 4, lines 63-67 and col. 5, lines 1-8). Boltz does not specifically teach first recipient related information relating to a recipient from an electronic contact register and first recipient related information being personal date information. Littleton teaches first recipient related information relating to a recipient from an electronic contact register (see paragraph [0020]). Littleton teaches contact information from an electronic contact register including personal date information (see paragraph [0021]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include first recipient related information relating to a recipient from an electronic contact register and first recipient related information being personal date information because it is well known in the art for mobile devices such as the one in Boltz to provide an address book or contact register for storing information and indeed Boltz does disclose that the date information is entered and stored on the mobile station (col. 3, lines 64-67).

Regarding claim 15 Boltz and Littleton teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 16 Boltz and Littleton teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 19 Boltz and Littleton teach a device as recited in claim 8 and is rejected given the same reasoning as above.

Regarding claim 20 Boltz and Littleton teach a device as recited in claim 9 and is rejected given the same reasoning as above.

Regarding claim 22 Boltz teaches a communication device that is a cellular phone (see paragraph (see col. 5, lines 1-3 and FIG. 3)).

Regarding claim 23 Boltz and Littleton teach a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 24 Boltz teaches a computer program product stored on a computer readable medium (see col. 4, lines 38-41). Boltz teaches retrieving date information from an electronic date determination unit (see col. 5, lines 1-4). Boltz teaches retrieving first recipient related information from a memory, the first recipient related information being date information associated with the recipient (see col. 4, lines 63-67 and col. 5, lines 2-3). Boltz teaches automatically sending a pre-configured electronic message over a network to the recipient based on the date information and the recipient related information (see col. 4, lines 63-67 and col. 5, lines 1-8). Boltz does not specifically teach an electronic contact register and first recipient related information being personal date information. Littleton teaches retrieving contact information from an electronic contact register (see paragraph [0020]). Littleton teaches contact information from an electronic contact register including personal date information (see paragraph [0021]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include an electronic contact register and first recipient related information being personal date information because it is well

known in the art for mobile devices such as the one in Boltz to provide an address book or contact register for storing information and indeed Boltz does disclose that the date information is entered and stored on the mobile station (col. 3, lines 64-67).

2. Claims 6-7 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz et al. (US 6,044,275) in view of Littleton et al. (US 2003/0023759 A1) and Kinnunen et al. (US 2001/0021649 A1).

Regarding claim 6 Boltz and Littleton teach a device as recited in claim 1 except for prompting a user, after retrieving date and recipient related information, about sending the message; and sending the message if the user has accepted sending. Kinnunen teaches prompting a user, after retrieving date and recipient related information, about sending the message; and sending the message if the user has accepted sending (see paragraph [0017] and FIG. 2 & FIG. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include prompting a user, after retrieving date and recipient related information, about sending the message; and sending the message if the user has accepted sending because it would allow for more control over delivery of messages sent from one device to another (see Boltz, col. 3, lines 18-21).

Regarding claim 7 Kinnunen teaches retrieving a name of the recipient from a contact register; and inserting the name into the message prior to sending (see paragraph [0019] and FIG. 2).

Regarding claim 17 Boltz, Littleton, and Kinnunen teach a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 18 Boltz, Littleton, and Kinnunen teach a device as recited in claim 7 and is rejected given the same reasoning as above.

3. Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz et al. (US 6,044,275) in view of Littleton et al. (US 2003/0023759 A1) and Patil (US 6,625,460 B1).

Regarding claim 10 Boltz and Littleton teach a device as recited in claim 1 except for wherein contact information about a recipient is first received from a remote server and then placed in the contact register. Patil teaches wherein contact information about a recipient is first received from a remote server and then placed in the contact register (see col. 5, lines 60-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make device adapt to include wherein contact information about a recipient is first received from a remote server and then placed in the contact register because it would allow for more control over delivery of messages sent from one device to another (see Boltz, col. 3, lines 18-21).

Regarding claim 21 Boltz, Littleton, and Patil teach a device as recited in claim 10 and is rejected given the same reasoning as above.

Response to Arguments

4. Applicant's arguments filed 9/13/2007 have been fully considered but they are not persuasive.

Regarding independent claims 1, 12, and 24 the rejection above based on the combination of Boltz and Littleton teaches a device as claimed.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


November 23, 2007


GEORGE ENG
SUPERVISORY PATENT EXAMINER